

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Craig Basson

Examiner: Susan Ungar

Application No.: 10/725,811

Group Art Unit: 1642

Filed: December 2, 2003

Confirmation No.: 3344

For: TRANSCRIPTION FACTORS THAT
REGULATE NORMAL AND
MALIGNANT CELL GROWTH

Docket: 955-12 DIV

Dated: December 5, 2006

I hereby certify this correspondence is being deposited
with the United States Postal Service as first class mail,
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Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: December 5, 2006

Signature: K.J. Goodhand/



Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is in response to the Restriction Requirement mailed September 6, 2006, a reply to which is due December 6, 2006 with a request for a two-month extension of time submitted herewith.

In the Office Action, the Examiner states that claim 23 is generic to a plurality of disclosed patentably distinct species, and requires Applicant to elect four different species as set forth below:

1. Method wherein the method is:
 - (a.) carried out *in vitro*.
 - (b.) carried out *in vivo*.

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2. Method wherein the polypeptide is introduced into the cell by:
 - (c) contacting cell with the polypeptide.
 - (d) introducing a nucleic acid that encodes the polypeptide.
3. Method wherein the polypeptide introduced into the cell is:
 - (e) a wild-type T-box sequence of TBX5 capable of binding to both the major and minor groove of target DNA.
 - (f) a T-box sequence of TBX5 which lacks the 3' region of the T-box capable of binding to the minor groove.
4. Method wherein the cell into which the polypeptide is introduced is:
 - (g) a malignant cell.
 - (h) a non-malignant post-embryonic cell.
 - (i) an embryonic cell.

In response to this Requirement, Applicant elects the following species:

1. (b) method carried out *in vivo*;
2. (d) introducing a nucleic acid that encodes the polypeptide;
3. (e) a wild-type T-box sequence of TBX5 capable of binding to both the major and minor groove of target DNA;
4. (g) a malignant cell.

The claims readable on the elected species are as follows: 23, 25, 26, 28, 29, 31 and 33.

As set forth in the Office Action, upon the allowance of generic claim 23, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of the allowed generic claim.

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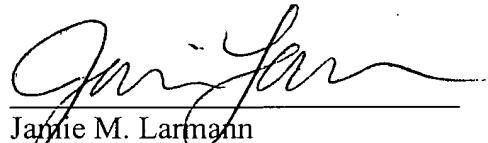
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Applicant respectfully requests that consideration of the claims on the merits be commenced. If the Examiner has any questions with respect to this matter, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jamie Larmann', written over a horizontal line.

Jamie M. Larmann

Registration No. 48,623

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